

UNCLASSIFIED 2/20/82

Current Class: [REDACTED]  
Current Handling: n/a  
Document Number: 1982BUENOS04838

Page: 1  
Channel: n/a

<<<<>>>>  
[REDACTED]

R 052

PAGE 01 BUENOS 04838 01 OF 02 231422Z  
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00  
DODE-00 H-01 IO-15 NSC-01 NSAE-00 HA-08 L-03  
PM-09 PA-01 ICAE-00 SP-02 SPRS-02 /086 W  
-----332007 231630Z /41

R 202043Z AUG 82  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC 4821  
INFO USMISSION USUN NEW YORK  
USMISSION GENEVA

[REDACTED] SECTION 01 OF 02 BUENOS AIRES 4838

EO 12356: DECL: 8/19/92  
TAGS: PINS, SHUM, AR  
SUBJECT: HUMAN RIGHTS: CONTINUING PROGRESS

ARGENTINA PROJECT (S200000044)  
U.S. DEPT. OF STATE, A/RPS/IPS  
Margaret P. Grafeld, Director  
☒ Release ☐ Excise ☐ Deny

REF: (A) BUENOS AIRES 4677; (B) BUENOS AIRES 4793

Exemption(s):  
Declassify: ☐ In Part ☒ In Full  
☐ Classify as ☐ Extend as ☐ Downgrade to  
Date \_\_\_\_\_ Declassify on \_\_\_\_\_ Reason \_\_\_\_\_

1. [REDACTED] - ENTIRE TEXT.

2. SUMMARY: THOUGH BESEIGED BY MORE CRITICAL PROBLEMS, THE BIGNONE GOVERNMENT IN ITS SEVEN WEEKS IN OFFICE HAS CONTINUED AND EVEN ACCELERATED POSITIVE ACTION IN THE HUMAN RIGHTS AREA. THE MOST BASIC ACTION, OF COURSE, IS ITS REITERATED COMMITMENT TO RETURN THE COUNTRY TO CONSTITUTIONAL GOVERNMENT BY EARLY 1984, FOLLOWING NATIONAL ELECTIONS. AT THE SAME TIME, HOWEVER, THE ADMINISTRATION HAS CONTINUED TO RELEASE PEN (POLITICAL PRISONERS. AMONG THE MOST RECENT TO BE FREED ARE INDIVIDUALS SOME MILITARY OFFICERS VIEWED AS DIFFICULT CASES, SUCH AS GUSTAVO WESTERKAMP WHOSE PLIGHT ATTRACTED WIDE INTERNATIONAL SUPPORT. PRISONER RELEASES BY THE PRESENT GOVERNMENT FOLLOWING SUBSTANTIAL NUMBERS FREED BY THE BALTIERI GOVERNMENT SUGGESTS A GREATER DISPOSITION WITHIN THE ARMED FORCES TO MOVE TOWARD STEADY REDUCTION OF THE PEN PROBLEM. KEEPING THE PRESSURE ON THE GOVERNMENT FOR SPEEDIER ACTION ARE THE CHURCH, HUMAN RIGHTS ORGAINZATIONS, THE POLITICAL PARTIES,

PAGE 02 BUENOS 04838 01 OF 02 231422Z

AND, PERHAPS MOST IMPORTANTLY, A NEWLY ASSERTIVE JUDICIARY WHOSE RULINGS FAVORABLE TO PRISONER PETITIONS ARE BEING ACCEPTED BY

Current Class: [REDACTED]

Page: 1

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]  
Current Handling: n/a  
Document Number: 1982BUENOS04838

Page: 2

Channel: n/a

THE EXECUTIVE BRANCH. THE GOVERNMENT HAS ALSO DECREED AMNESTY FOR THOSE ACCUSED OVER THE YEARS OF ILLEGAL POLITICAL ACTS, WITH CERTAIN IMPORTANT EXCEPTIONS, BUT SO FAR HAS REMAINED SILENT ON THE QUESTION OF ACCOUNT FOR THE DISAPPEARED. END SUMMARY.

3. THE GOA ANNOUNCEMENT AUGUST 11 THAT IT IS PAROLING GUSTAVO WESTERKAMP AND 28 OTHER PEN PRISONERS -- INDIVIDUALS HELD FOR AS LONG AS SEVEN YEARS AT THE ORDER OF THE EXECUTIVE BRANCH -- IS ANOTHER REMINDER THAT THE MILITARY GRIP ON POWER IS RELAXING AS THE NATION PREPARES FOR ELECTIONS, PROBABLY SOMETIME LATE NEXT YEAR. WHILE THE RETURN TO CIVILIAN RULE DOMINATES THE NEWS AND POLITICAL COMMENTARY, THE QUESTION OF THE PRISONERS HAS NOT BEEN FORGOTTEN. GIVEN RELATIVELY LITTLE PUBLICITY, IT NONETHELESS IS BEING ADDRESSED BY THE PRESENT GOVERNMENT, PROVIDING ANOTHER INDICATOR OF ITS INTENTION TO BROADEN POLITICAL LIBERTIES AS THE DEMOCRATIC PROCESS IS REVIVED HERE. IT WAS ANNOUNCED AUGUST 18, FOR EXAMPLE, THAT ANOTHER FOUR PEN PRISONERS ARE TO BE RELEASED.

4. GOADING THE GOVERNMENT MORE RAPIDLY IN THIS DIRECTION HAS BEEN THE ARGENTINE CATHOLIC CHURCH, WHICH FIRST ADDED ITS VOICE TO THE APPEALS OF HUMAN RIGHTS ORGANIZATIONS OVER A YEAR AGO AND JUST THIS WEEK ISSUED ANOTHER STRONG MANIFESTO (REF B).

5. IN JUNE, TO MARK THE POPE'S VISIT AND TO BRIGHTEN ITS IMAGE BEFORE INTERNATIONAL OPINION, THE GOA RELEASED 128 PEN PRISONERS AND TERMINATED PAROLE FOR ANOTHER 117. LESS THAN SIX WEEKS IN OFFICE AND IN THE MIDST OF POLITICAL CONFUSION AND TURMOIL, THE BIGNONE GOVERNMENT MADE ITS FIRST MOVE WITH THE RELEASE OF THE WESTERKAMP 29; FOLLOWING THIS WAS THE ORDER RELEASING ON PAROLE FACUNDO RUTEAGA, BROTHER OF A NOTORIOUS TERRORIST AND FOUR OTHERS

[REDACTED]  
[REDACTED]

PAGE 03 BUENOS 04838 01 OF 02 231422Z

ON AUGUST 18. SOME OF THESE CASES ARE LIKE WESTERKAMP'S: PEOPLE DETAINED WITHOUT CHARGE OR WHO HAVE BEEN TRIED, CONVICTED AND HAVE SERVED THEIR SENTENCES BUT CONTINUE TO BE HELD ARBITRARILY AT THE DISPOSITION OF THE EXECUTIVE. THEY ARE THE PRISONERS WHO PROBABLY COULD NOT BE CONVICTED BEFORE EITHER CIVIL OR MILITARY TRIBUNALS ON THE BASIS OF THE EVIDENCE AGAINST THEM, BUT WHO THE MILITARY WERE CONVINCED, OR SO THEY SAID, WERE DEEP-DYED SUBVERSIVES.

WESTERKAMP, FOR EXAMPLE, WAS IN THE VIEW OF THE MILITARY ONE OF THE HARD CORE OF 300-400 PEN PRISONERS (THERE WERE OVER 8,700 ARRESTED DURING THE DIRTY WAR) WHO WERE SAID TO BE TOO DANGER-

Current Class: [REDACTED]

Page: 2

UNCLASSIFIED

Current Class: [REDACTED]

Page: 3

Current Handling: n/a

Document Number: 1982BUENOS04838

Channel: n/a

OUS TO BE LOOSED UPON SOCIETY. THE TOTAL NUMBER OF PEN PRISONERS OFFICIALLY CLAIMED TO BE HELD BY THE GALTIERI ADMINISTRATION WAS SET AT 475, DOWN NOW BY ANOTHER 33. THE INTERIOR MINISTER'S FIGURE IS DISPUTED BY THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS (APDH). IN AN AUGUST 10 PRESS CONFERENCE, SPOKESMEN FOR THE APDH SAID THE NUMBER OF PERSONS DETAINED ON POLITICAL GROUNDS TOTALS OVER 800. APDH FIGURES ON ACTUAL PEN PRISONERS -- 446 -- SQUARES WITH THE GOVERNMENT'S TALLY, BUT THE ORGANIZATION ADDS TO ITS CATEGORIES OF POLITICAL PRISONERS 273 INDIVIDUALS TRIED AND SENTENCED BY MILITARY COURTS, A PROCEDURE IT ARGUES WAS UNCONSTITUTIONAL; 83 WHO ARE ELIGIBLE FOR PAROLE AFTER HAVING SERVED TWO-THIRDS OF THEIR SENTENCES, AND ANOTHER 83 IT CLAIMS WERE TRIED WITHOUT ADEQUATE LEGAL DEFENSE. APDH ALSO CLASSIFIED ANOTHER 150 NOW PAROLED AS POLITICAL VICTIMS OF THE PRESENT LEGAL REGIME.

NNN

PAGE 01 BUENOS 04838 02 OF 02 231442Z  
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	SS-10	CIAE-00
	DODE-00	H-01	IO-15	NSC-01	NSAE-00	HA-08	L-03
	PM-09	PA-01	ICAE-00	SP-02	SPRS-02	/086 W	
					-----332076	231632Z	/41

R 202043Z AUG 82  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC 4822  
INFO USMISSION USUN NEW YORK  
USMISSION GENEVA

SECTION 02 OF 02 BUENOS AIRES 4838

8. THE WHOLE QUESTION OF POLITICAL PRISONERS PRESENTS A SPECIAL DILEMMA FOR THE BIGNONE GOVERNMENT. THE AUTHORITY FOR THEIR CONTINUED DETENTION RESTS ON THE STATE OF SEIGE DECLARED BY THE PERON GOVERNMENT IN 1974 AND RETAINED IN FORCE BY THE MILITARY SINCE THE 1976 TAKEOVER. THE POLITICIANS ARE INCREASINGLY VIGOROUS IN CALLING FOR ITS TERMINATION, SINCE IT REPRESENTS A THREAT TO POLITICAL FREEDOM OF ACTION IN THE COMING ELECTORAL PERIOD. STILL, THE MILITARY GOVERNMENT'S PROBLEM IS HOW TO CONTINUE HOLDING INDIVIDUALS IT BELIEVES ARE COMMITTED OR POTENTIAL TERRORISTS IF IT AGREES TO REMOVE THE LEGAL AUTHORITY FOR DOING SO BY ENDING THE STATE OF SEIGE.

9. THE COURTS IN THE MEANTIME HAVE ENTERED THE PICTURE. A

Current Class: [REDACTED]

Page: 3

UNCLASSIFIED

Current Class: [REDACTED]

Page: 4

Current Handling: n/a

Document Number: 1982BUENOS04838

Channel: n/a

FEDERAL JUDGE LAST MONTH ORDERED THE RELEASE OF THE GRAIVER GROUP, AND THE EXECUTIVE BRANCH COMPLIED. ON AUGUST 6 THE SUPREME COURT, WHICH OVER THE YEARS SEEMED AFRAID TO TOUCH THESE CASES, ORDERED THE RELEASE OF A WOMAN IT SAID WAS ILLEGALLY HELD SINCE 1975. SHE WAS ONE OF THE WESTERKAMP 29. THE AUGUST 18 MILITARY ORDER RELEASING URTEAGA AND THE OTHER FOUR PEN PRISONERS WAS IN RESPONSE TO A SUPREME COURT RULING OF AUGUST 13. THE HIGH COURT'S DECISIONS WILL REACTIVATE PROMOTORS OF LONG DORMANT HABEAS CORPUS PETITIONS PENDING BEFORE IT. AN EXAMPLE WAS THE LEGAL ACTION FILED AUGUST 18 WITH THE COURT BY RELATIVES OF POLITICAL PRISONERS SEEK-

[REDACTED]

[REDACTED]

PAGE 02 BUENOS 04838 02 OF 02 231442Z

ING THE IMMEDIATE RELEASE OF THE APDH 800 ON THE GROUNDS CITED BY THE ORGANIZATION. IN THE MEANTIME, LOWER COURTS REMAIN AT THE DISPOSAL OF PETITIONERS. A FEDERAL JUDGE AUGUST 11 ORDERED THE RELEASE OF A PEN PRISONER HELD WITHOUT CHARGES SINCE 1975 ON THE BROADLY STATED GROUNDS THAT "CITIZENS CAN NO LONGER BE DEPRIVED OF THEIR FREEDOM FOR SECRET REASONS."

10. THE CAMPAIGN ON BEHALF OF PEN PRISONERS MAY ACTUALLY HELP THE BIGNONE TEAM IN ITS APPARENT DISPOSITION TO WIDEN POLITICAL LIBERTIES AND CORRECT INJUSTICES AS A NEW ELECTORAL PHASE APPROACHES. EVIDENCE OF THIS COULD BE SEEN IN AN AUGUST 9 DECREE THAT AMNESTIED ALL THOSE CHARGED WITH VIOLATING MILITARY DECREES, AGAINST VARIOUS TYPES OF POLITICAL ACTIVITY, WHICH HAVE BEEN IN EFFECT SINCE 1976.

11. THE AMNESTY, WHICH DOES NOT AFFECT PROMINENT POLITICAL PERSON-AGES SUCH AS FORMER PRESIDENT PERON, LABOR LEADER LORENZO MIGUEL AND OTHERS, FOR WHOM POLITICAL ACTIVITY IS PROSCRIBED UNDER "INSTITUTIONAL ACTS", IN EFFECT EXTENDS THE LIFTING OF THE POLITICAL BAN TO THOSE WHO HAVE FALLEN AFOUL OF ANTI-POLITICAL REGULATIONS OVER THE YEARS. THE AUGUST 9 DECREE SAID AMNESTY FOR PAST INFRACTIONS OF THE POLITICAL BAN WAS NECESSARY FOR ADJUST PRESENT POLITICAL CONDITIONS HERE TO THE LIFTING OF THE GENERAL PROHIBITION ON PARTISAN ACTIVITY ANNOUNCED LAST MONTH BY PRESIDENT BIGNONE ON HIS ASSUMPTION OF THE PRESIDENCY. THE AMNESTY, ACCORDING TO THE DECREE, IS IN KEEPING WITH THE GOVERNMENT'S COMMITMENT TO RESTORE REPRESENTATIVE DEMOCRACY TO THE COUNTRY "IN A FULL AND ENDURING MANNER." SHLAUDEMAN

[REDACTED]

INN

Current Class: [REDACTED]

Page: 4

UNCLASSIFIED